



Opening Statement

Over the last ten years, the Internet has gone from its infancy through a period of exponential growth. Today, it is estimated that over 1.3 billion people use the Internet – that is almost twenty percent of the world's population.

In the last seven years alone, the worldwide use of the Internet has jumped 265 percent.

(1) The Internet is speech.

The Internet has become the dominant venue for the expression of ideas and public discourse. From social networking to get-out-the-vote drives, the Internet is now a leading tool for speech and action.

Web sites like Facebook, MySpace, LinkedIn, and Monster have changed the way people of all ages connect socially and professionally.

Political candidates raise more money online with each election cycle.

Newspaper Web sites and independent blogs have revolutionized the ways in which news and media are disseminated and consumed.

And the Internet has opened up new performance venues to emerging artists and entertainers.

In these and other ways, the technological innovation in communication made possible by the Internet has made it among the most powerful outlets for creativity and free speech.

So when it comes to the Internet, we should always proceed cautiously. Unless we have clearly documented the existence of a significant problem that needs regulating, I do not believe Congress should regulate. And even in those instances, we should tread lightly.

(2) Today, the open architecture of the Internet is under siege.

On today's Internet, a blogger can compete on a level playing field with news giants like CNN or the New York Times. An independent musician can stand equal with a record label. And citizen advocates can have as loud a voice as politicians.

However, some of the Internet Service Providers, which control 96% of the residential market for high-speed Internet access, and are either monopolies or duopolies in most areas of the country, have proposed to give favored treatment to some Internet content and disfavored treatment to other content.

Under these proposed business models, what treatment you get will be determined by how much you pay or, potentially, whether the Internet Service Provider approves of the content you are sending over their pipes or, perhaps, has a financial interest.

The problem is that many of the innovations we have enjoyed on the Internet would never have occurred under this proposed regime.

We would never have had a Google search engine, or You Tube videos, or Daily Kos blogs, if "pay to play" had been our national policy.

To be sure, if we go in this direction, it will stifle future innovation on the Internet.

(3) Congress should act to preserve Net Neutrality

I am concerned that if Congress stands by and does nothing, we will soon find ourselves living in a world where those who pay can play, but those who don't are simply out of luck.

Where politicians will be able to stifle the voices of citizen activists through deals with Internet Service Providers.

Where an increasingly consolidated entertainment industry will be able to prevent independent artists and filmmakers from being heard.

Let's not get confused. If Congress acts, it will not be because we have decided to regulate. It will be because the Internet Service Providers have imposed their own new regulation on the Internet, and are interfering with its healthy growth.

I believe that antitrust law is the most appropriate way to deal with this problem – and antitrust law is not regulation. It exists to correct distortions of the free market, where monopolies or cartels have cornered the market, and competition is not being allowed to work. The antitrust laws can help maintain a free and open Internet.

I look forward to hearing from our witnesses today, and to a meaningful discussion of the various perspectives on this important topic.